

# **PARENTAL LEAVE OPTIONS**

**Family and Medical Leave Act (FMLA)**

**California Family Rights Act (CFRA)**

**Pregnancy Disability Leave (PDL)**

**Leave Entitlements**

**Health Care Benefits**

**Nonindustrial Disability Insurance (NDI)**

**Sick Leave**

**Parental Leave**

**Supplemental Time Off**

**Unpaid Leave**

## **Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)**

The FMLA & CFRA authorize eligible employees to take up to 12 workweeks of paid or unpaid, job-protected leave for the birth of a child, to care for a newborn child, or for the placement of a child in the employee's home for purposes of adoption or foster care. Leave taken for the birth, care, adoption or foster placement of a child must be concluded within 12 months of the qualifying event. Leave may be taken in one continuous 12-workweek period or, when medically necessary, in intermittent increments of one hour or more for a total of 12 workweeks. To be eligible for FMLA & CFRA leave, an employee must have been employed with the State for at least 12 months **AND** have worked at least 1,250 hours during the 12 month period immediately preceding the leave.

### **Pregnancy Disability Leave (PDL)**

In addition to leave provided under the FMLA and the CFRA, an employee who is disabled due to pregnancy, childbirth or related medical condition (including prenatal care and severe morning sickness) is entitled to pregnancy disability leave for the period of actual disability up to 4 months. Intermittent leave or a reduced work schedule may be taken if medically necessary. An employee is eligible for pregnancy disability leave at the time of hire and need not meet the length of service eligibility requirements of the FMLA and CFRA. PDL is not counted against an employee's entitlement to leave under the CFRA; however, the State share for health benefit coverage is maintained for only a total of 12 weeks in a 12 month period under the FMLA/CFRA/PDL.

### **Leave Entitlements**

Eligible employees are entitled to take up to 12 weeks of leave in a 12-month period under the CFRA and up to 12 weeks per **calendar year** of FMLA. In most cases, FMLA leave due to pregnancy, childbirth or a related medical condition and PDL run concurrently. PDL of up to four months is provided to an employee who is actually disabled due to pregnancy. However, pregnancy related disability is specifically excluded as a reason for CFRA leave and therefore leave under PDL and leave under CFRA are separate and distinct entitlements and do not run concurrently. An employee disabled due to pregnancy may take up to four months of PDL leave, and, if eligible may be entitled to an additional 12 weeks of CFRA leave to care for a child after the birth. The maximum possible combined leave for both PDL leave and CFRA leave for the reason of the birth of a child is four months and 12 workweeks.

## Health Care Benefits

Both the CFRA and the FMLA require the employer to continue coverage of the employee's "group health care" benefits for the duration of the leave. The obligation continues for the duration of the leave, up to a maximum of 12 workweeks in a 12-month period for CFRA and 12 work weeks in a **calendar year** for FMLA. There is no obligation to continue employer paid benefits under the PDL. If an employee elects to be off work beyond 12 weeks, they will be responsible for the health benefit premium payments, at the group rate, for the period of time after the 12 weeks.

**PDL leave for the period of actual disability, childbirth or related medical conditions (maximum of 4 months, as medically needed). In the example below, the pregnancy disability is 6 weeks. After PDL, a CFRA leave of 12 weeks (bond with child).**

<b>PDL</b>	<b> </b>	<b>CFRA</b>
<b>6 Weeks</b>	<b> </b>	<b>12 Weeks</b>

**FMLA overlap 6 weeks for PDL leave with a balance of 6 weeks FMLA**

<b>FMLA</b>
<b>12 weeks</b>

**Six weeks NDI benefits during pregnancy disability leave**

<b>NDI</b>
<b>6 weeks</b>

**Employer health care for first 12 weeks FMLA/PDL leave (includes NDI period)**

<b>Health Care Benefits</b>
<b>12 weeks</b>

## **Nonindustrial Disability Insurance (NDI)**

NDI is a wage continuation program. It is a fringe benefit completely paid by the State for the employees who become disabled due to non work-related illnesses, injury or medical condition.

Eligible employees shall receive 60% of their full pay, not to exceed \$135 per week, payable monthly for a period not exceeding 26 weeks for any one-disability benefit period. **For a normal pregnancy, benefits are paid for 6 weeks after the birth of a child (an additional 2 weeks for cesarean birth.)**

A full time employee must have permanent or probationary status at the time of injury and be a member of either the Public Employees' Retirement System or the State Teachers' Retirement System.

Part time, intermittent permanent or probationary employees must have the equivalent of six monthly compensated pay periods of service in the 18 pay periods immediately preceding the pay period in which the disability begins.

Leave credits and service credits are not accrued during the time on NDI. Time spent on NDI **does not count** towards the required number of days for probationary periods.

## **Enhanced Nonindustrial Disability Insurance-Annual Leave (ENDI)**

ENDI is only applicable to employees participating in the annual leave program (excluded, managerial, supervisory, confidential and employees in bargaining units, 2, 7, 9, 10, 12, 13, 14, 16, 18, 19 and 20).

Eligible employees receive 50% of their gross salary, payable monthly for a period of 26 weeks for any one-disability benefit period. **For a normal pregnancy, benefits are paid for 6 weeks after the birth of a child (an additional 2 weeks for cesarean birth).** Disability payments may be supplemented with annual leave, sick leave or partial payment to provide up to 100% income replacement. At the time of an ENDI claim, an employee may elect either the 50% ENDI benefit rate or a supplementation level of 75% or 100% of gross pay. Once a claim for ENDI has been filed and the employee has determined the rate of supplementation, the supplemental rate is maintained throughout the disability period.

Payments are based on the employee's salary rate and are paid as calendar days based on the State pay period calendar. The waiting period is 7 or 10

calendar days depending on the employee's bargaining unit agreement (refer to most current agreement).

No retirement contributions are withheld. Federal and State income taxes, and Social Security/Medicare are deducted from NDI Payments. Miscellaneous deductions (including deferred compensation and tax shelters) are withheld providing there is sufficient disposable earnings (unless cancelled by the employee).

Holidays falling within the NDI benefit period are paid as NDI only.

Employees who supplement their NDI benefit at 100 percent income replacement will receive full State service credits for seniority purposes and annual leave credits. Employees who supplement their NDI benefit at 75 percent income replacement shall receive one-half credit for seniority and one-half the amount of annual leave granted to employees who supplement at 100 percent. Employees who choose the 50 percent NDI benefit rate will not earn service, retirement, or leave credits.

### **Exhausting NDI Benefits**

Upon exhausting benefits, an employee either: (a) uses available leave credits to cover time off from work; (b) mandatorily reinstates to their former position; or (c) requests a leave of absence (parental leave).

### **Sick Leave**

Sick leave usage is limited to time taken off work prior to the birth of a child, with substantiation from the physician, plus 6 weeks following the birth.

### **Parental Leave**

Unpaid Parental Leave is granted to a permanent female employee for the purposes of pregnancy, childbirth or the recovery therefrom for a period determined by the employee (not to exceed one year). The employee may be requested to provide substantiation to support the request for leave. When an employee has notified the board as to the period of the leave required, any change in length of the period of leave shall not be effective unless approved by the Board.

The Board shall grant a leave without pay to a permanent male employee for the purposes of parental leave for a period not to exceed one year. The employee shall provide substantiation to support his request for leave. When an employee has notified the Board as to the period of the leave required, any changes in the length of the period of leave shall not be effective unless approved by the Board.

### **Supplemental Time Off (STO)**

A full-time employee may voluntarily request to reduce their time base to a fractional time base (i.e.,  $\frac{1}{2}$ ,  $\frac{4}{5}$ , etc.) and continue to work full-time. The employee must complete a Form ASD/PMB-191 to make the request. Pay, service, retirement credits, and leave credits are issued/earned according to the fractional time base. The hours worked in excess of the time base elected are credited to the employee's excess hours leave balance. These accumulated hours are used as stated in the STO Agreement.

### **Unpaid Leave of Absence**

A **leave of absence without pay** may be approved for:

- (1) Any employee for a period not to exceed 30 calendar days
- (2) An employee with permanent status or an employee who is on probation but has completed at least six (6) months of service in a class having a longer probationary period for a period not to exceed 12 months. The reasons for the leave may include attending school, for temporary incapacity due to illness or injury, or for some other reason deemed satisfactory by ARB management.

***This summary is intended to give employees a brief overview of maternity leave options available. However, the Personnel Services Specialist assigned to your division will provide expertise and assistance on an individual basis.***